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K355

ACTION SCT-00

INFO	LOG-00	NP-00	AID-00	A-00	CCO-00	CG-00	CIAE-00
	COME-00	CTME-00	INL-00	DODE-00	DOEE-00	DOTE-00	PERC-00
DS-00	EB-00	EUR-00	FAAE-00	FBIE-00	VC-00	OBO-00	
H-00	TEDE-00	INR-00	INSE-00	L-00	CAC-00	VCE-00	
M-00	AC-00	DCP-00	NRC-00	NSAE-00	NSCE-00	OCS-00	
OMB-00	NIMA-00	OPR-00	PA-00	PM-00	PRS-00	ACE-00	
P-00	FMPG-00	SP-00	IRM-00	SSO-00	SS-00	USSS-00	
ASDS-00	BBG-00	IIP-00	PMB-00	DSCC-00	PRM-00	DRL-00	
G-00	NFAT-00	SAS-00	SWCI-00	/000W			

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R 201538Z SEP 05

FM AMEMBASSY MADRID

TO SECSTATE WASHDC 7577

INFO EU MEMBER STATES COLLECTIVE

AMCONSUL BARCELONA

DEPT OF JUSTICE WASHDC

RELEASED IN PART

B1, 1.4(B), 1.4(D)

C O N F I D E N T I A L MADRID 003304

DEPARTMENT PASS TO EUR/WE, L/LEI, S/CT

E.O. 12958: DECL: 09/20/2015

TAGS: PTER, PGOV, SP

SUBJECT: SPAIN: BARAKAT YARKAS TERRORIST TRIAL VERDICT DUE
SOON

REF: A. 05 MADRID 01584
B. 05 MADRID 02223

1. (C) On September 26, Spanish Judge Javier Gomez Bermudez is expected to publish his verdict in regard to the trial proceedings against 24 defendants accused of belonging to the radical Islamic terrorist cell linked to al-Qa'ida and led by Imad Eddin Barakat Yarkas (reftel A and B). Spanish press sources continue to speculate that the majority of the defendants will be convicted of the less serious charge of membership in a terrorist organization, while being acquitted of involvement in the September 11 attacks in New York City.

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2. (U) On September 16, The Spanish High Court ordered the detention of Taysir Alony and Jamal Hussein, two defendants who were released on bail at the beginning of the trial for health reasons. Alony is the Al-Jazeera journalist who interviewed Osama Bin Laden after the September 11 attacks and is accused of having aided al-Qaida, while Hussein is charged with recruiting jihadists and facilitating financial transactions. These defendants are formally charged with membership in a terrorist organization and each of them faces a maximum penalty of nine years in prison if convicted. Prior to the most recent detention order, both defendants had served approximately seven months in pretrial custody.

//COMMENTS//

3. (C) It appears increasingly likely that most of the defendants will be convicted of the charge of membership in a terrorist organization. The Spanish High Court's recent detention order of two relatively minor defendants in the case has served to reinforce this opinion. Based upon media reporting [redacted] it is also likely that none of the defendants will be convicted in the more serious charge of involvement in the September 11 attacks. If convicted on the lesser charge, the majority of the defendants will receive a sentence of approximately nine years in prison, with many of the defendants receiving credit for anywhere from seven months to almost four years of pretrial incarceration.

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